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TO AMEMBASSY LONDON

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FOR DCM

FOLLOWING MESSAGE SENT SECSTATE WASHDC INFO USUN NEW YORK
JAKARTA MANILA SUVA (BY POUCH) FROM NASSAU 29 JAN 75:

QUOTE S E C R E T NASSAU 169

E. O. 11652: GDS

TAGS: PLOS BF

SUBJ: ARCHIPELAGO AND STRAITS NEGOTIATIONS WITH THE BAHAMAS

USUN PLEASE PASS AMBASSADOR STEVENSON

SUMMARY: US LOS TEAM MET WITH BAHAMIAN OFFICIALS AND LOS
ADVISOR, 27 AND 28 JANUARY 1975 TO DISCUSS US SUPPORT OF
ARCHIPELAGO CONCEPT APPLICATION TO BAHAMAS AND RECIPROCAL
BAHAMIAN SUPPORT OF US STRAITS OBJECTIVES. AGREED RECORD
OF DISCUSSIONS REFLECTS UNDERTAKING BY BOTH SIDES TO SUBMIT
TO THEIR RESPECTIVE GOVERNMENTS PROPOSAL WHICH PROVIDES FOR
MUTUAL COOPERATION TO ACHIEVE BOTH US STRAITS OBJECTIVES AND
INCLUSION OF BAHAMAS IN ARCHIPELAGO CONCEPT. PRIVATE DISCUS-
SIONS INDICATED BAHAMIAN LOS TEAM HAS NO MAJOR POLICY PROB-
LEMS WITH US PROPOSAL BUT THAT PROPOSAL MUST BE SUBMITTED TO
CABINET FOR POLICY APPROVAL BEFORE COMMITMENT.

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1. US LOS TEAM LED BY JOHN NORTON MOORE, DEPUTY SPECIAL REP-

REPRESENTATIVE OF THE PRESIDENT, AND INCLUDING MYRON NORDQUIST, EXECUTIVE ASSISTANT TO THE CHAIRMAN, NSC INTERAGENCY TASK FORCE ON LOS, ROBERT HODGSON, GEOGRAPHER, DEPARTMENT OF STATE, RADM MAX MORRIS, REPRESENTATIVE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR LOS, CAPTAIN GLENN YOUNG, SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF TRANSPORTATION FOR LOS, AND LCDR FRED DEROCHER, OFFICE OF THE SECRETARY OF DEFENSE, LAW OF THE SEA TASK FORCE, MET WITH BAHAMIAN OFFICIALS PAUL ADDERLEY, MINISTER OF EXTERNAL AFFAIRS, ORIS RUSSELL, PERMANENT SECRETARY, GEORGE STEWART, FIRST SECRETARY OF MINISTRY OF EXTAFF, AND BAHAMIAN LOS ADVISOR, PROFESSOR D. P. O'CONNELL, ON 27 AND 28 JANUARY TO DISCUSS ISSUES REGARDING ARCHIPELAGOS AND STRAITS USED FOR INTERNATIONAL NAVIGATION IN THE CONTEXT OF THE FORTHCOMING GENEVA SESSION OF THE LOS CONFERENCE. EMBASSY PERSONNEL INCLUDING AMBASSADOR WEISS, ROZANNE RIDGWAY AND WILLIAM SALISBURY PARTICIPATED IN THE TALKS.

2. THE ATMOSPHERE OF THE SESSIONS WAS CORDIAL AND COOPERATIVE. AN AGREED RECORD OF DISCUSSIONS CONTAINING THE SUBSTANCE OF THE CONVERSATIONS WAS PRODUCED. THIS RECORD INDICATED AGREEMENT TO SUBMIT TO GOVERNMENTS PROPOSAL WHICH INCLUDES MUTUAL SUPPORT FOR ARCHIPELAGIC PRINCIPLE APPLICABLE TO BAHAMAS, ARCHIPELAGIC PASSAGE REGIME THROUGH AND OVER ARCHIPELAGIC WATERS, AND UNIMPEDED TRANSIT OF STRAITS USED FOR INTERNATIONAL NAVIGATION. ONLY TECHNICAL QUESTIONS CONCERNING THE EXISTING REGIME OF INTERNAL WATERS, TREATY COMPATIBILITY, AND PROTECTION OF COMMERCIAL TELECOMMUNICATIONS CABLES REMAIN. THESE QUESTIONS DO NOT REFLECT MAJOR POLICY DIFFERENCES.

3. TREATY COMPATIBILITY QUESTION RELATES TO CONCERN RAISED BY PROFESSOR O'CONNELL ABOUT RELATIONSHIP BETWEEN OPERATING RIGHTS ARRANGEMENT WITH U.S. AND ARCHIPELAGIC STATE OBLIGATION TO REFRAIN FROM DISCRIMINATION IN FORM OR FACT AMONG FOREIGN SHIPS WHEN TEMPORARILY SUSPENDING RIGHT OF INNOCENT PASSAGE FOR SECURITY REASONS IN ARCHIPELAGIC WATERS OUTSIDE OF DESIGNATED SEALANES. QUESTION IS WHETHER BILATERAL AGREEMENT WITH U.S. PROVIDING OPERATING RIGHTS WOULD EITHER PREVENT UTILIZATION OF TEMPORARY SUSPENSION PROVISIONS OF MULTILATERAL LOS TREATY OR REQUIRE MFN TREATMENT ALSO AGAINST U.S. IN THE

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AREA OF TEMPORARY SUSPENSION.

4. INTERNAL WATERS QUESTION RELATES TO POINT THAT ARCHIPELAGIC PRINCIPLE NOT INTENDED TO ABOLISH TRADITIONALLY RECOGNIZED INTERNAL WATERS WITHIN ARCHIPELAGIC LINES. IN THIS CONNECTION, HODGSON POINTED TO RIVERS AND BAYS AS EXAMPLES OF TRADITIONAL INTERNAL WATERS INTENDED TO BE PRESERVED. RELATED BAHAMIAN CONCERN ABOUT INNOCENT PASSAGE

OUTSIDE OF SEALANES (SEE PAR 6) MAY STEM IN PART FROM O'CONNELL'S EXPANSIVE NOTION OF TRADITIONAL INTERNAL WATERS DEMARCATION PRINCIPLES AS APPLIED TO BAHAMAS.

5. AGREEMENT WAS REACHED AT LAST SESSION ON PROTECTION OF COMMERCIAL TELECOMMUNICATIONS CABLES IN ARCHIPELAGIC WATERS BUT THERE WAS NO OPPORTUNITY TO DRAFT APPROPRIATE LANGUAGE. ACCORDINGLY ISSUE INCLUDED IN FINAL CATCHALL PARAGRAPH OF TECHNICAL POINTS REMAINING.

6. PUBLICLY RUSSELL INDICATED THAT THE BAHAMIAN ACCEPTANCE OF THE US PROPOSAL WOULD BE BROUGHT BEFORE THE CABINET AT AN EARLY DATE. THE ISSUE OF INNOCENT PASSAGE OUTSIDE OF ARCHIPELAGIC LANES WAS FLAGGED AS THE POINT MOST LIKELY TO CAUSE CABINET CONCERN BECAUSE OF ITS RELATIONSHIP TO THE BAHAMIAN SMUGGLING PROBLEM. RUSSELL ALSO INDICATED THAT CONSULTATIONS WITH CUBA WOULD BE REQUIRED.

7. IN PRIVATE DISCUSSIONS, BAHAMIANS INDICATED THEY HAD MET WITH CUBANS (INFERENTIALLY DURING CARACAS SESSION OF LOS CONFERENCE) AND THAT CUBANS HAD INDICATED THEY FAVORED INCLUSION OF BAHAMAS WITHIN ARCHIPELAGO CONCEPT TO BE ESTABLISHED BY LOS TREATY IF FREE TRANSIT WERE ALSO GUARANTEED AND TRADITIONAL FISHING INTERESTS WERE ACCOMMODATED.

8. STEWART INDICATED PRIVATELY THAT ADDERLEY, STEWART AND O'CONNELL WOULD NOT BE IN GENEVA UNTIL MID-APRIL. IN DISCUSSING PROPOSED AGREEMENT HE EXPRESSED CONCERN ABOUT BAHAMAS APPEARING TO BE A "US LACKEY" AND OBSERVED THAT BAHAMAS WAS AT THRESHOLD OF DETERMINING WHETHER TO LOOK NORTH OR SOUTH FOR THEIR FUTURE. AT AMBASSADOR'S LUNCHEON AFTER CONCLUSION OF TALKS, STEWART PRIVATELY COMMENTED THAT US PROPOSAL WAS ACCEPTABLE BUT THAT NO PRECOMMITMENT COULD BE GIVEN BEFORE
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MINISTERS MET IN CABINET. IN HIS ASSESSMENT, MINISTERS WOULD ACCEPT US PROPOSAL. WEISS UNQUOTE KISSINGER

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